

REMARKS

A. 35 U.S.C. § 112, Second Paragraph

In the Office Action of August 23, 2005, claims 22 and 41-65 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite in meaning. In particular, the phrase “clear encapsulation from system responsibilities” of claim 22 was vague because it was unclear whether the recited “system responsibilities” regarded the same responsibilities of the system claimed. Applicants traverse the rejection in that the phrase is clear in meaning. The phrase clearly means that there is clear encapsulation of the responsibilities of the system for displaying from the event processor. Since the phrase is clear in meaning to one of ordinary skill in the art, the rejection is improper and should be withdrawn.

Despite the impropriety of the rejection, claim 22 has been amended to change the phrase “maintains clear encapsulation from system responsibilities” to “maintains clear encapsulation of responsibilities of said system for displaying from said event processor.” Since the phrase is clear in meaning, the rejection should be withdrawn.

Since the above described amendment to claim 22 is being made solely to clarify Applicants’ invention and does not change the intended scope or meaning of the claim, the amendment is not related to patentability as defined in *Festo Corporation v. Shoketsu Kinzoku Kogyo Kabushiki Co., Ltd*, 234 F.3d 558, 56 USPQ2d 1865 (Fed. Cir. 2000) (*en banc*), *overruled in part*, 535 U.S. 722 (2002).

B. 35 U.S.C. § 101

Claims 22 and 41-65 were rejected under 35 U.S.C. § 101 because the claimed invention was inoperative. Applicants traverse the rejection. The Office Action has asserted that the recited

“system responsibilities” “could be the functions of the event processor outlined in the claim.” However, the fact that claim 22 on one hand states that system responsibilities are encapsulated from the event processor and on the other hand recites the event processor performs the functions of “interacting,” “determining,” “identifies” and “transmits” implies that those functions are not to be included in the recited “system responsibilities.” Since one of ordinary skill would readily understand this, the rejection is improper and should be withdrawn.

Despite the impropriety of the rejection, claim 22 has been amended to clarify that the system responsibilities that are encapsulated by the event processor “do not include functions performed by said event processor.” Since the invention of claim 22 is operative and has utility, the rejection should be withdrawn.

Since the above described amendment to claim 22 is being made solely to clarify Applicants’ invention and does not change the intended scope or meaning of the claim, the amendment is not related to patentability as defined in *Festo*.

It is noted that claims 22 and 41-65 have not been rejected based on the prior art. Since the rejections of claims 22 and 41-65 have been shown to be improper, the claims should be allowed in the next Office Action.

C. 35 U.S.C. § 102

1. Claim 66

Claim 66 was rejected under 35 U.S.C. § 102(e) as being anticipated by Borghesi et al. Applicants traverse this rejection. In particular, claim 66 recites a system that displays insurance claim information that includes a server that allows each of the users of a user interactive interface “to simultaneously interact with one of the plurality of levels to retrieve and enter data for the same insurance claim.” The Office Action has asserted that “[a]ny one of the users at the

computers (30 or 32 or 34) can interact with the levels of the claim folder to retrieve data of he (sic) folder or enter data into the folder.” However, the Office Action has failed to disclose where Borghesi et al. discloses that the users at the computers would be able to simultaneously interact with the claim folder. The reason for such failure is that Borghesi et al. fails to disclose the simultaneous interaction recited in claim 66. Without such disclosure, claim 66 is not anticipated by Borghesi et al.

Borghesi et al. also fails to disclose matching determined claim characteristics to tasks “to automatically generate a list of tasks to be taken by any one of the plurality of users” as recited in claim 66. In other words, Borghesi et al. does not disclose a system that determines claim characteristics that are used to automatically generate a list of tasks. The Office Action refers to the actions 220-230 shown in FIG. 8F as disclosing the recited list of tasks. However, FIG. 8F is merely a flow diagram showing a preferred workflow (Col. 3, ll. 49-50). Nowhere does Borghesi et al. disclose that a list of items 220-230 shown in FIG. 8F is automatically generated. Furthermore, Borghesi et al. does not disclose automatically generating the list of items 220-230 based on a determination of claim characteristics. Accordingly, claim 66 is not anticipated by Borghesi et al.

2. Claim 67

Claim 67 was rejected under 35 U.S.C. § 102(e) as being anticipated by Borghesi et al. Applicants traverse this rejection. In particular, claim 67 recites a system that displays insurance claim information that includes a plurality of interfaces that allow a plurality of users “to simultaneously interact with one of the plurality of levels to retrieve and enter data on the same insurance claim.” The Office Action has asserted that “[a]ny one of the users at the computers (30 or 32 or 34) can interact with the levels of the claim folder to retrieve data of he (sic) folder or

enter data into the folder.” However, the Office Action has failed to disclose where Borghesi et al. discloses that the users at the computers would be able to simultaneously interact with the claim folder. The reason for such failure is that Borghesi et al. fails to disclose the simultaneous interaction recited in claim 67. Without such disclosure, claim 67 is not anticipated by Borghesi et al.

Borghesi et al. also fails to disclose an event processor that “determines a response for the data event and identifies a system component to process the response and transmits information for processing the claim to the identified system component” as recited in claim 67. The Office Action has failed to identify any element in Borghesi et al. that corresponds to the above mentioned event processor. Evidently Borghesi et al. fails to disclose the recited event processor. Accordingly, Borghesi et al. does not anticipate claim 67. Should this rejection be repeated in the next Office Action, Applicants demand that the Office Action identify an event processor in Borghesi et al. that has the properties recited in claim 67. If no identification is made, then that should be taken as evidence that the rejection is improper.

CONCLUSION

In view of the arguments above, Applicants respectfully submit that all of the pending claims 22 and 41-67 are in condition for allowance and seek an early allowance thereof. If for any reason, the Examiner is unable to allow the application in the next Office Action and believes that

an interview would be helpful to resolve any remaining issues, he is respectfully requested to contact the undersigned attorneys at (312) 321-4200.

Respectfully submitted,



John C. Freeman
Registration No. 34,483
Attorney for Applicants

BRINKS HOFER
GILSON & LIONE
P.O. Box 10395
Chicago, Illinois 60610
(312) 321-4200

Dated: November 22, 2005